

REMARKS

Claims 1-3, 6-10, 12-15, 18, 19, 21, 24, 26, 27, 33 and 37 are pending in the present application. Support for the various changes to the substituent definitions in amended claim 1 is found at pages 2-4 and 7-11 of the specification, as well as in original claim 25 and the compound examples disclosed in the specification. Support for new claim 37 is found in original claim 10.

Unity of Invention Requirement

The Examiner has subjected the present claims to the following Unity of Invention Requirement:

Group I -- claims 1-10, 12-15, 17-21 and 23-27, directed to compounds and a pharmaceutical compositions containing the compounds; and

Group II -- claim 33, directed to a method of preventing or treating a bacterial infection using a compound from the scope of the subject matter of Group I.

For the purpose of initiating examination of the present application, Applicant elects, with traverse, Group I, i.e. claims 1-10, 12-15, 17-21 and 23-27. This Requirement is respectfully traversed. The asserted basis for this Requirement rests on the assumption that the cited Bellini et al. reference (European Journal of Medicinal Chemistry, Vol. 18, No. 2, 1983, pp. 185-190) discloses one or more of the claimed compounds. However, Bellini et al. fails to disclose any of the compounds falling within the scope of the presently amended claims. Further, it is submitted that there is no undue burden placed on the Examiner to examine presently non-elected claim 33. Finally, Applicant reserves the right to file a Divisional Application directed to any cancelled, non-elected subject matter in this application.

Election of Species Requirement

In response to the Election of Species Requirement, Applicant hereby provisionally elects Compound 101 which is shown on page 22. In the presently amended set of claims, the following claims encompass Compound 101: 1, 2, 4, 5, 9, 10, 12, 13, 14, and 18.

In Compound 101, the corresponding R-groups are defined as:

R1: pentyl substituted with methyl,

R2: $-C(O)-(Z)_n-(NR-Z)_p-N(R)_2$, where n is 0; p is 1; Z is ethylene; R is hydrogen and aminoethylene respectively,

R3: O-R19, R19 is acetyl,

R4,R7,R8,R9,R12,R13,R15,R17,R18: hydrogen,

R5,R6,R10,R14: methyl,

R11,R16: hydroxy.

The Election Requirement is respectfully traversed. It is requested that the Examiner proceed to substantively examine the full scope of the presently elected claims, including all of the species encompassed by claim 1. It is submitted that there is no undue burden placed on the Examiner to do so.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Meikle, Registration No 32,868, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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